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REMARKS

The Applicant respectfully requests reconsideration of the rejection.

Claims 1-10 remain pending.

Objection

The Examiner objected to Claim 9 as being of improper multiple-dependent form. Claim 9 has been amended to remove the multiple dependency.

35 U.S.C. §112, First Paragraph

Claims 1-10 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. The specific issues raised by the Examiner will be addressed in turn.

Regarding Claim 1, the Examiner objected to the claimed step of simulating estimated service performance of resources. Specifically, the Examiner questioned how the simulation is performed, what is used to perform the simulation, what constitutes an estimated performance, and what information is used to get the estimate.

In reply, the Applicant notes, to satisfy the enablement requirement of §112, first paragraph, the claims are required

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to teach the one of ordinary skill in the art of concern how to make and use the invention. In the case of a method claim, the focus is on whether the person of ordinary skill in the art is taught how to perform the method.

The Applicant notes that the claimed step has been amended to delete "estimated" for clarity, and to insert said before resources, to refer back to the "resources for information processing services offered by service resource providers" set forth in the preamble. In accordance with further clarifying amendments to the step, one now reads that the method includes a step of "simulating service performance of said resources, based on said request specifications and credit data including resource performance data, thereby allocating one or more combinations of said resources that satisfy, in the aggregate, said request specifications." The "request specifications" are earlier introduced as performance request specifications of the resources for a user-desired service, which specifications are input from the user.

The Applicant thus believes that the simulating step of Claim 1 is fully enabled by the specification. See, for example, Page 20, lines 9-18, which describe SLA performance simulation server 206, which estimates and evaluates the performance of the resources to be provided by resource

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providers (ASPs and IDCs) by performance simulation. Page 21, line 22 through Page 22, line 6, further describe that, based on such service level request details as date/time of utilization, desired service level, and desired price, and also based on credit data 205, the SLA performance simulation service executes quantitative evaluation of the performance and capacity of resources according to the service type, to decide whether there are resources with sufficient performance required for the service to be successfully traded.

Further, Page 26, line 20 through Page 27, line 20, describe in greater detail the function of the SLA performance simulation server 206, with reference to the flow chart of Figure 3. The SLA performance simulation server 206 estimates the resource performance of each service resource provider and its reliability, based on service performance request specifications and service resource provider information transferred to the SLA performance simulation server after step 308, and judges whether the provider satisfies the service performance request specifications at step 309. The result of this judgment is returned to brokering server 204. If the resources are expected to be procured with satisfactory performance, the brokering server starts the procedure of order placement to the providers, but if the expected

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performance is not enough to satisfy the requirement, additional service resource providers are sought. Through this simulation, according to the information supplied for performance simulation, by calculating the required capacity and scheduled runtime of the resources to perform, satisfying the service request specifications managed as service level management data 207, the resource reservation 209 in aggregate is generated.

In accordance with the examples listed above, taken in conjunction with the specification as a whole, the Applicant submits that the specification fully supports the step of simulating service performance of resources for information processing services offered by a plurality of service resource providers, based on request specifications of the resources for a user-desired service and credit data including resource performance data, thereby allocating one or more combinations of the resources that satisfy, in the aggregate, the request specifications.

Regarding Claim 2, the Examiner questioned the scope of a "sufficient" quantity, and how the person of ordinary skill would know whether the quantity was sufficient. In reply, the Applicant has clarified the step so that the claim now recites

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that the brokering means determines the resources that fulfill the request specifications.

Regarding Claim 3, the Examiner questioned how a maximum and an average time are estimated. In reply, the Applicant has amended Claim 3 to recite that the resource reservation ticket includes a reserved time to execute the information processing service. See for example, the specification at Page 23, line 16 through Page 24, line 2.

Regarding Claim 4, the Examiner questioned the claimed "means to re-calculate resource performance specification parameters". Claim 4 has been rewritten to omit this means, and otherwise to better conform to conventional method claim language.

Regarding Claim 5, the Examiner questioned the "measures of reliability", and how to "evaluate the measures." In reply, Claim 5 has been amended to recite a step of evaluating the service providers by comparing the guaranteed service performance of the reserved resources and the service performance during or after the actual run of the resources. Claim 5 also recites a step of recording the evaluation output data as part of the credit data that includes resource performance data, as recited in Claim 1. Thus, the Applicant

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submits that Claim 5 is now in full satisfaction of the first paragraph of §112.

Finally, in Claim 10, the Examiner objected to the recitation of algorithms and an arithmetic process that allegedly have insufficient enabling support in the specification. In reply, the Applicant has amended Claim 10 for clarity. Claim 10 more clearly recites a means for verifying certificate data which executes a predetermined arithmetic processing based on a previously determined and stored algorithm for encryption/decryption and other security purposes for the reservation data and resource allocation data, and which verifies the validity of the resource reservation. The Applicant refers the Examiner, for example, to Page 18, lines 2-17. A specific embodiment to which this claim is disclosed, for example, on Page 37, line 18 through Page 38, line 11, in conjunction with the other structural features set forth in the specification in the disclosure of the main embodiments of the invention.

35 U.S.C. §101

Claims 1-9 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. In summary, the Examiner finds that the method of Claims 1-9 could be

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performed by a human process. In reply, the Applicant has amended Claim 1 to emphasize that the method is an "automated" method performed on an information processing system. Furthermore, such steps as "inputting" and "outputting" have been substituted for the previous "receiving" and "issuing" respectively, to clarify the Applicant's intent without narrowing the scope of the intended subject matter of the claims. Claim 9 has been amended to recite an apparatus.

35 U.S.C. §102(b)

Claims 1-8, and 10 were rejected under 35 U.S.C. §102(b) as being anticipated by Mandler et al., U.S. 5,732,400 (Mandler). The Applicant traverses as follows.

Mandler is directed to a system and method for a risk-based purchase of goods, including a financial clearinghouse for receiving a request for goods or services from a buyer, making a real-time determination of a risk classification of the buyer using on-line credit information, determining a risk-based discount fee as a function of the risk-classification to establish a payment amount, transmitting the payment amount to the seller if the transaction is authorized, and transmitting an invoice to the buyer for the purchase price. According to the abstract, Mandler also contemplates

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the inclusion of a broker coupled to the financial clearinghouse for providing an on-line order acceptance and processing capability between the buyers and sellers.

Mandler, however, does not disclose or fairly suggest the steps of inputting performance request specifications of resources for a user-desired service from the user; simulating service performance of the resources based on the request specifications and credit data including resource performance data, thereby allocating one or more combinations of the resources that satisfy, in the aggregate, the request specifications; outputting a resource reservation ticket to the user, the ticket including data that entitles the user to utilize the one or more combinations of the resources based on the allocation; and placing an order with the service resource providers for the one or more combinations of resources, thereby booking the ordered resources for the users all as required by amended Claim 1.

The Examiner refers to Columns 3-4 of Mandler, which are substantially directed to a summary of the Mandler invention. From this already broad disclosure of Mandler, the Examiner further broadens the asserted relevance of the passages to cite Mandler as teaching that "buyers, sellers, and a clearinghouse administer service transactions," "the financial



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clearinghouse to using credit data to establish risk," "receiving a request from user. And upon preliminary approval transmit requests to seller for review," "issues a notice of the goods being shipped and an invoice so buyer can purchase service," and "allowing the user the opportunity to purchase service." (sic) However, the Examiner does not assert, and the patent does not support, the claimed details noted above, with particular emphasis on the underlined portions.

Claims 2-8 are dependent on Claim 1, and thus inherit its patentable features. Claims 2-8 contain numerous separably patentable features which will not be advanced specifically here, for brevity.

Claim 9 is now properly characterized as an apparatus claim, including a top level brokering system that includes a brokering means that executes the method recited in Claim 1. Claim 1 has been distinguished above, and thus Claim 9 recites an apparatus that is not anticipated by Mandler or any other reference of record.

Regarding Claim 10, the Examiner refers to various block structures disclosed in figures of Mandler, including a database and a communication network. The Examiner refers to the text in Column 6, lines 22-23, and 54-56 supporting structural and functional details underlying the rejection.

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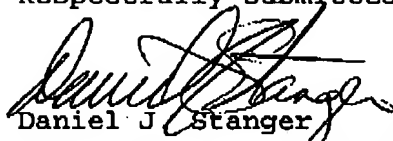
However, Column 6, lines 22-23, merely state that buyers 20 and sellers 10 are each coupled to a communications network 5 via a buyer computer 21 (and a seller computer 11). Lines 54-56 disclose that the risk classification taught by Mandler represents the financial clearinghouse's evaluation of the credit risk presented by the buyer 20, based on a variety of factors. Neither passage discloses the claimed means for authorized service user authentication, first storage means to store resource reservation ticket data, second storage means to store resource allocation information, means for communication between the first and second storage means, and means for verifying certificate data which executes a predetermined arithmetic processing based on a previously determined and stored algorithm for encryption/decryption and other security purposes for the reservation data and resource allocation data, and which verifies the validity of the resource reservation.

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For each of the foregoing reasons, the Applicant believes that the patentability of Claims 1-10 has been demonstrated and made certain. Accordingly, the Applicant respectfully requests reconsideration of the rejection and allowance of the claims.

Respectfully submitted,

  
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Date: August 23, 2005